

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

MODESTA JACINTO,

Plaintiff,

v.

DITECH FINANCIAL LLC, et al.,

Defendants.

No. C 16-2815 MMC

**ORDER DENYING AS MOOT
DEFENDANT'S MOTION TO DISMISS;
VACATING HEARING**


Before the Court is defendants Ditech Financial LLC and Mortgage Electronic Registration Systems, Inc.'s Motion to Dismiss, filed June 1, 2016. On June 28, 2016, however, plaintiff filed a First Amended Complaint ("FAC"), and defendants have responded by filing a Motion to Dismiss the FAC.

"[A]n amended pleading supersedes the original, the latter being treated thereafter as non-existent." Bullen v. De Bretteville, 239 F.2d 824, 833 (9th Cir. 1956), cert. denied, 353 U.S. 947 (1957).

Accordingly, the Court hereby DENIES as moot defendant's motion to dismiss the initial complaint, and VACATES the July 29, 2016 hearing scheduled thereon.

IT IS SO ORDERED.

Dated: July 18, 2016


MAXINE M. CHESNEY
United States District Judge